

cover the exemption of NO<sub>x</sub> transportation conformity requirements of section 176(c) for this area. Approval of these exemptions is contingent on the results of the final ozone attainment demonstration expected to be submitted in mid-1997. The approval will be modified if the final attainment demonstration demonstrates that NO<sub>x</sub> emission controls are needed in the nonattainment area to attain the ozone standard in the Lake Michigan Ozone Study modeling domain.

(l) Approval—The United States Environmental Protection Agency is approving under section 182(b)(1) of the Clean Air Act the exemption of the Chicago severe, ozone nonattainment area from the build/no-build and less than-1990 interim transportation conformity oxides of nitrogen requirements as requested by the State of Illinois in a June 20, 1995 submittal. In light of the modeling completed thus far and considering the importance of the OTAG process and attainment plan modeling efforts, USEPA grants this NO<sub>x</sub> waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NO<sub>x</sub> waiver should be continued, altered, or removed. USEPA's rulemaking action to reconsider the initial NO<sub>x</sub> waiver may occur simultaneously with rulemaking action on the attainment plans. The USEPA also reserves the right to require NO<sub>x</sub> emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas. The Chicago severe ozone nonattainment area includes the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake

Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will.

[45 FR 55197, Aug. 19, 1980, as amended at 45 FR 62810, Sept. 22, 1980; 47 FR 26620, June 21, 1982; 50 FR 5250, Feb. 2, 1985; 52 FR 26012, July 10, 1987; 53 FR 40426, Oct. 17, 1988; 55 FR 21751, May 29, 1990; 55 FR 26909, June 29, 1990; 58 FR 3844, Jan. 12, 1993; 59 FR 9092, Feb. 25, 1994; 59 FR 64855, Dec. 16, 1994; 60 FR 13634, Mar. 14, 1995; 60 FR 13635, Mar. 14, 1995; 60 FR 48899, Sept. 21, 1995; 61 FR 2437, Jan. 26, 1996; 61 FR 5295, Feb. 12, 1996]

**§ 52.727 [Reserved]**

**§ 52.728 Control strategy: Nitrogen dioxide. [Reserved]**

**§ 52.729 [Reserved]**

**§ 52.730 Compliance schedules.**

(a) The requirements of § 51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) Federal compliance schedules. (1) Except as provided in paragraph (b)(3) of this section, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in paragraph (b)(2) of this section: Illinois Air Pollution Control Regulations Rule 203(d)(4), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(2) *Compliance schedules.* (i) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(4) shall take the following actions with respect to the source no later than the date specified.

(a) September 30, 1973—Advertise for bids for purchase and construction or installation of equipment, or for materials requisite for process modification sufficient to control particulate emissions from the source.

(b) November 15, 1973—Award contracts for emission control systems or process modification, or issue orders

for the purchase of component parts to accomplish emission control or process modification.

(c) May 31, 1974—Initiate onsite construction or installation of emission control system or process modification.

(d) March 31, 1975—Complete onsite construction or installation of emission system or process modification.

(e) May 31, 1975—Complete shake-down operation and performance test on source, submit performance test results to the Administrator; achieve full compliance with State agency regulation.

(ii) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(6)(B)(ii)(bb) shall take the following actions with respect to the source no later than the date specified.

(a) September 30, 1973—Advertise for bids for purchase and construction or for modification of equipment sufficient to control particulate emissions from the source.

(b) November 15, 1973—Award contracts for emissions control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(c) March 31, 1974—Initiate onsite construction or installation of emission control system.

(d) October 31, 1974—Complete onsite construction or installation of emission control system.

(e) December 31, 1974—Achieve final compliance with Illinois Air Pollution Control Regulations Rule 203(d)(6)(B)(ii)(bb).

(iii) (a) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Illinois Air Pollution Control Regulation Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to the requirements of said regulation.

(b) Any owner or operator of a stationary source subject to paragraph (b)(2)(iii)(a) of this section who elects to utilize low sulfur fuel shall take the following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) on May 31, 1975, and for at least one year thereafter.

(2) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(3) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(4) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(5) June 15, 1974—Initiate onsite modifications, if applicable.

(6) March 31, 1975—Complete onsite modifications, if applicable.

(7) May 31, 1975—Final compliance with the emission limitation of Rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(c) Any owner or operator of a fuel combustion source subject to paragraph (b)(2)(iii)(a) of this section who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Let necessary contracts for construction.

(2) March 31, 1974—Initiate onsite construction.

(3) March 31, 1975—Complete onsite construction.

(4) May 31, 1975—Complete shake-down operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(iv) (a) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low ash fuel or a stack gas cleaning system to meet the requirements of said regulation.

(b) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(a) of this section who elects to utilize low ash fuel shall take the

following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) on May 31, 1975, and for at least one year thereafter.

(2) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(3) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(4) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(5) June 15, 1974—Initiate onsite modifications, if applicable.

(6) March 31, 1975—Complete onsite modifications, if applicable.

(7) May 31, 1975—Final compliance with the emission limitation of Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(c) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(a) of this section who elects to utilize a stack gas cleaning system shall take the following actions with respect to the source no later than the date specified.

(1) January 15, 1974—Let necessary contracts for construction.

(2) April 1, 1974—Initiate onsite construction.

(3) April 1, 1975—Complete onsite construction.

(4) May 31, 1975—Complete shutdown operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(v) Ten days prior to the conduct of any performance test required by this paragraph, the owner or operator of the affected source shall give notice of

such test to the Administrator to afford him the opportunity to have an observer present.

(vi) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3)(i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraph (b)(2) of this section fail to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(c) [Reserved]

(d) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
CHRISTIAN COUNTY			
Allied Mills, Inc .....	Taylorville .....	204(c) .....	Feb. 28, 1973.
COOK COUNTY			
Harco Aluminum Inc .....	Chicago .....	204(c) .....	Dec. 9, 1973.
J. L. Clark Manufacturing Co .....	Downers Grove .....	205(f) .....	May 4, 1973.
Johnson & Johnson .....	Bedford Park .....	205(f) .....	Jun. 20, 1973.
Lloyd J. Harris Pie, Co. Inc .....	Chicago .....	204(c) .....	Feb. 27, 1973.
Union Oil Co. of California .....	.....do .....	204(c) .....	Jun. 19, 1973.
(a) No. 10 boiler .....	.....do .....	.....do .....	Dec. 13, 1973.
(b) 11BIA crude heater .....	.....do .....	.....do .....	.....do .....
W. H. Hutchinson & Son, Inc .....	.....do .....	205(f) .....	Aug. 12, 1973.
Western Rust Proof Co .....	.....do .....	204(c) .....	Oct. 10, 1973.
Wheeler Uniform Service Inc .....	.....do .....	204(c) .....	May 22, 1973.
Wm. Yuenger Manufacturing Co .....	.....do .....	204(c) .....	Aug. 16, 1973.
World's Finest Chocolate Inc .....	.....do .....	204(c) .....	May 30, 1973.
JACKSON COUNTY			
Tuck Industries, Inc .....	Carbondale .....	204(c) .....	Jun. 20, 1973.
KANE COUNTY			
All Steel Equipment Corp .....	Montgomery .....	204(f) .....	July 24, 1973.
Consolidated Food Inc .....	Aurora .....	205(f) .....	May 9, 1973.
LAKE COUNTY			
Morton Manufacturing Co .....	Libertyville .....	205(f) .....	Aug. 27, 1973.
LA SALLE COUNTY			
Allied Mills Inc .....	Mendota .....	204(c) .....	May 28, 1973.
MADISON COUNTY			
Clark Oil & Refining Corp .....	Hartford .....	204(f) .....	Feb. 22, 1973.
Granite City Steel Co .....	Granite City .....	203(d)(6) .....	Apr. 25, 1972.
(a) Coke oven pushing operations .....	.....do .....	.....do .....	as amended.
(b) Charging operations .....	.....do .....	.....do .....	May 21, 1973.
Illinois Power Company (Wood River Boiler No. 5) .....	E. Alton .....	204(c) .....	May 1, 1973.
Owens-Illinois Inc .....	Madison .....	204(c) .....	May 2, 1973.
Owen-Illinois Inc. (No. 2 Powerhouse) .....	Alton .....	204(c) .....	Mar. 30, 1973.
Shell Oil Co. (Cat. Cracker Units Nos. 1, 2) .....	Roxana .....	203(b) .....	Nov. 27, 1972.
RANDOLF COUNTY			
Chester Dairy Co .....	Chester .....	204(c) .....	Aug. 6, 1973.
ST. CLAIR COUNTY			
Lock Stove Co .....	East St. Louis .....	205(b) .....	June 11, 1973.
TAZEWELL COUNTY			
Quaker Oats Co .....	Pekin .....	204(c) .....	May 24, 1973.
VERMILLION COUNTY			
Lauhoff Grain Co .....	Danville .....	204(c) .....	Mar. 31, 1973.

[38 FR 16145, June 20, 1973, as amended at 38 FR 22742, Aug. 23, 1973; 38 FR 24342, Sept. 7, 1973; 39 FR 28155, Aug. 5, 1974; 51 FR 40675, 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

**§§ 52.731–52.735 [Reserved]****§ 52.736 Review of new sources and modifications.**

(a) [Reserved]

(b) The rules submitted by the State on March 24, 1988, to satisfy the requirements of the Clean Air Act are approved. These rules are part 203: Major Stationary Sources Construction and Modification as effective March 22, 1991. The moratorium on construction and modification of new sources in nonattainment areas as provided in section 110(a)(2)(I) of the Clean Air Act is revoked.

[57 FR 59935, Dec. 17, 1992]

**§ 52.737 Operating permits.**

Emission limitation and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved Illinois SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by USEPA and by any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[57 FR 59936, Dec. 17, 1992]

**§ 52.738 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) *Regulations for preventing significant deterioration of air quality.* The provisions of § 52.21(b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Illinois.

(c) All applications and other information required pursuant to § 52.21

from sources located in the State of Illinois shall be submitted to the Director of the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 instead of the EPA Region V office.

[45 FR 52741, Aug. 7, 1980, as amended at 46 FR 9584, Jan. 29, 1981]

**§ 52.739 Permit fees.**

(a) The requirements of section 110(a)(2)(K) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, provisions for a permit fee system.

[46 FR 23237, Apr. 24, 1981]

**§ 52.740 Interstate pollution.**

(a) The requirements of section 126(a)(2) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

[46 FR 23237, Apr. 24, 1981]

**§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.**

(a) *General Provisions—(1) Abbreviations and conversion factors.* (i) The following abbreviations are used in § 52.741:

ASTM	American Society for Testing and Materials.
bbl	barrels (42 gallons).
°C	degrees Celsius or centigrade.
cm	centimeters.
cu in.	cubic inches.
°F	degrees Fahrenheit.
FIP	Federal implementation plan.
ft	feet.
ft <sup>2</sup>	square feet.
g	grams.
gpm	gallons per minute.
g/mole	grams per mole.
gal	gallons.
hr	hours.
in	inches.
K	degrees Kelvin.
kcal	kilocalories.